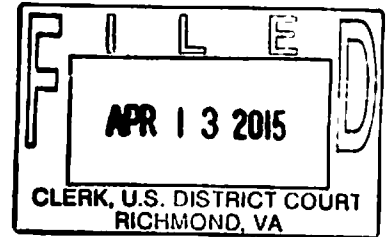


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



MARK E. LEE,

Petitioner,

V.

HAROLD W. CLARKE,

Respondent.

Civil Action No. 3:13CV251-HEH

MEMORANDUM OPINION
(Conditionally Granting Petition For A Writ Of Habeas Corpus)

Mark E. Lee, a Virginia prisoner proceeding with counsel, submitted this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction in the Circuit Court for the City of Richmond (“Circuit Court”) for second degree murder. By Memorandum Opinion and Order entered on October 28, 2013, the Court denied Lee’s § 2254 Petition. *See Lee v. Clarke*, No. 3:13CV251–HEH, 2013 WL 5797857, at *7 (E.D. Va. Oct. 28, 2013).

Lee appealed. On March 20, 2015, the United States Court of Appeals for the Fourth Circuit reversed the decision of this Court and “remanded [the action] with instructions to issue Lee a writ of habeas corpus unless the Commonwealth of Virginia endeavors to prosecute him in a new trial within ninety days.” *Lee v. Clarke*, --- F.3d ---, No. 13–7914, 2015 WL 1275344, at *13 (4th Cir. Mar. 20, 2015). The Fourth Circuit issued its mandate on April 13, 2015. Accordingly, the writ of habeas

corpus will issue “unless the Commonwealth of Virginia endeavors to prosecute [Lee] in a new trial within ninety days.” *Id.*

An appropriate Order will accompany this Memorandum Opinion.



/s/

Henry E. Hudson
United States District Judge

Date: April 13, 2015
Richmond, Virginia